IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1763 OF 2004

IN

FIRST APPEAL NO.629 OF 2004

Haushladevi Bansidhar Kanojia & Anr... Applicants

Versus

Sushiladevi Ramajor Kanojia ..Respondent

CORAM : P.V.KAKADE,J.

DATE : 17TH SEPTEMBER, 2004

P.C.:

1. Heard the learned counsel for both the parties. Perused the record.

2. It is agreed between the parties in express terms, after instructions taken from the husband of the Applicant as well as the present respondent, that operation of the decree shall stands stayed provided

that the Applicant allows the respondent to run the suit business in the said premises for continuous period of 12 years since 15th November, 2004 and applicant shall not claim any money or consideration from the respondent in respect of Applicants' share in the suit business pending the Appeal / during 12 years, whichever is later.

3. Hence the in view of this arrangement the application stands disposed of with direction that operation of the final decree dated 28.8.2003 shall stands stayed on above noted condition for which the the applicant shall furnish Undertaking within one week to the Court.

4. This order is being passed in presence of both the parties and their advocates by their consent.